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## House of Representatives

The House was not in session today. Its next meeting will be held on Friday, October 24, 2003, at 10 a.m.

## Senate

THURSDAY, OCTOBER 23, 2003

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. STEVENS].

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, who is the strength of our lives, we call to You each day because You are sovereign. You have brought us safely through dangers, toils, and snares. Lord, rescue us from anything that would keep us from glorifying Your name.

Bless our Senators today that they will not grow weary in their challenging responsibilities. Give them civility and humility that a spirit of unity may characterize their work. Deliver each of us from evil passions so that Your image might be restored in our world. Sustain our military in its daunting tasks. We pray this in Your strong name. Amen.

### PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The Chair recognizes the majority leader.

### SCHEDULE

Mr. FRIST. Mr. President, this morning the Senate will conduct an hour of morning business with the first 30 minutes under the control of the Democratic leader and the second 30 minutes under the control of Senator HUTCHISON or her designee. Following morning business, the Senate will then begin consideration of H.R. 2989, the Transportation, Treasury, and general government appropriations bill. I have had some discussions with the Democratic leadership regarding some of the possible amendments. I will be talking to Senator SHELBY, who will be managing that bill, regarding his expectations. We do anticipate amendments over the course of today's session. Roll-call votes will occur. We are willing to remain in session into the evening, if necessary, to complete the bill today or tonight.

The Transportation appropriations bill is one of the six remaining appropriations bills the Senate must consider before we adjourn this year. It will continue to take a great deal of cooperation on both sides of the aisle to complete action on these bills in a timely fashion. I hope we can work together. I am confident we will be able to work together in this fashion so that we can complete these bills in an expedited way.

On another matter, last week, by a large bipartisan vote, the Environment and Public Works Committee reported the nomination of Mike Leavitt to Administrator of the EPA. Chairman INHOFE came to the floor yesterday to try to reach an agreement to debate the nomination and then proceed to a

vote. There was an objection from my Democratic colleagues. I have read that several Democratic Senators have placed a hold on the nomination, and I therefore want to put the Senate on notice: This nomination is for the Cabinet of the President of the United States. I believe it is irresponsible to allow a vacancy to continue in that position. That position clearly speaks to very important concerns that are before the American people.

Thus, we will move forward on this nomination. If it is necessary, I will file cloture to allow the Senate to work its will on this nominee. If Senators want to vote against the nomination, we will give them that opportunity. They will have that opportunity. Therefore, if we are unable to consider this nomination under some sort of reasonable time limitation, I will move to proceed to its consideration and file the necessary motion.

I thank my colleagues and I hope all Members will reconsider the objections they have put forward.

Each morning, I comment on a range of bills that we will address before we adjourn. We made real headway with the anti-spam legislation yesterday, coming back to appropriations shortly this morning. We still have fair credit reporting on which we are making progress, but we need to get that to the floor. I think we will be able to do that under a short time agreement. We have the issue surrounding the CARE Act which I mentioned when we closed last night. We have the Internet moratorium which we need to address this week or next week. I am confident we will be able to do so.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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There is another bill at the desk I hope we can work on over the course of today or tomorrow, the Syria Accountability Act. Another issue we have been working on in a bipartisan way and I want to address before we adjourn is the issue of gun liability.

One final comment has to do with an entirely different issue, and that is the progress being made in Sudan. Secretary Powell has made statements, after a recent visit there, that real progress is being made in terms of peace in a country that has been in a civil war for the last 20 years. Over 2 million people have died in Sudan, and over 5 million people have been displaced from their homes as a product of this civil war.

I go to southern Sudan each year as part of medical mission works. I was just there about 5 or 6 weeks ago. I want to share my optimistic view, based on that recent visit working in hospitals and with patients and with civilians in southern Sudan, that this peace act is making real progress. I think the United States has played a major role in facilitating the process.

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, I appreciate the update of the majority leader this morning. I commend him for coming back to the appropriations bills. No one cares more about that than the President pro tempore. There is a lot of interest on both sides of the aisle in working diligently to try to finish the appropriations bills this week and next week.

I am a little concerned about the longer list of other items the majority leader mentioned, even though I recognize many of us share his desire to bring up these bills at some point soon. I hope we can reach agreement on the Fair Credit Reporting Act in the next day or so, so we can accommodate its consideration. The Internet tax bill is something I think we ought to be able to work through as well.

He didn't mention but there is still a possibility that we could reach some agreement on asbestos or on class action as we work over the next couple of weeks. I have indicated, in the most heartfelt way, that we would like to negotiate and work with him to find ways to address those issues. He didn't mention them, but I know they are priorities of his as well.

We have a lot of work to do in a very short period of time. But I think it is important, first and foremost, to try to finish these appropriations bills in a way that will allow us to conference each bill and then work to try to resolve our differences with the House.

I still have, unfortunately, grave reservations about the way we have conducted our conferences. I read more about what happens in conference as the Democratic leader than I get from

even my Democratic Members who are supposed to be conferees. We can't conduct business that way. I am concerned about that. It will affect, of course, our ability to go to conference on future bills, even if we are able to pass them here.

We are off to a good start today on appropriations. I hope we can deal with Transportation, the District of Columbia, other bills that deserve our consideration.

I think we will receive a fairly expeditious review and debate so we can move these bills on. I thank the majority leader for his update. I look forward to working with him throughout the day.

Mr. FRIST. Mr. President, I am a little hesitant to add to my list of things to do after what we just heard. But as my colleague, Senator DASCHLE, mentioned, on the class action legislation I think we made headway yesterday. With that vote yesterday, a lot of people have come forward and said this is something we can do. Asbestos is something we are working on diligently as well.

I wish to add one other thing, and that is Healthy Forests. We are very close on that as well. It is an important issue to the American people. I think that, too, is one we can complete before we adjourn.

#### RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

#### MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for not to exceed 60 minutes, with the first 30 minutes under the control of the minority leader or his designee and the second 30 minutes under the control of the Senator from Texas, Mrs. HUTCHISON, or her designee.

Who yields time?

Mr. REID. Mr. President, I yield 10 minutes to the Senator from Nebraska, and I ask unanimous consent that both sides have their full 30 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Nebraska is recognized for 10 minutes.

#### RETIREE HEALTH BENEFITS

Mr. NELSON of Nebraska. Mr. President, I am speaking today on what I think is an extremely important issue that is getting a considerable amount of attention today, and that is the prescription drug benefit as part of the Medicare Program, which is also being considered in conference at this very moment.

As the minority leader has said, very often it is possible to read more about what is going on in the conference on

Medicare than it is to find out this kind of information here. I might point out, as a matter of personal interest, one of the major reasons Nebraska has a unicameral legislature is that they wanted to do away with the conference committee system. At times, that certainly appeals to me back here.

I come to the floor today to discuss this critically important issue that is now being considered in the prescription drug bill, and that is retaining retiree health benefits. If this problem is not addressed—and from some of the information I am receiving through various sources, it may be under consideration at this moment—but if it is not addressed and solved, my colleagues and I will be forced to choose between the impossible—the haves and the have-nots—those who have coverage as retirees, with benefits being provided by a former employer, and want to keep it, and those who don't have the coverage and need it.

It will be a war between seniors. It is an impossible decision that should not have to be made. Our first priority should be first to do no harm. Usually, we are faced with decisions between children and seniors, between this group and that group—a group typically seeking additional help. It is always a double-edged sword, but it is an impossible decision that this Senate and this Congress should not and must not make.

I know this issue is also important to the conferees. They have been grappling with trying to make sure that those who have coverage keep it while those who need coverage get it. News reports today suggest they are close to reaching some sort of deal on how to entice employers to continue to provide retiree benefits. I commend them for their work in trying to get that done and addressing that issue. I hope they are successful in being able to accomplish it.

Employer-sponsored retiree health benefits are the single greatest source of coverage for retirees, providing drug coverage for one in three Medicare beneficiaries. Retiree coverage is declining, though, and it is declining dramatically. Just 34 percent of all large firms—200 or more workers—offered retiree benefits in 2002. That is down from 68 percent of all large firms in 1988. In a little more than 10 years, the number has been cut in half. But there are still those who presently receive the benefits, and we cannot ignore the fact that they do have those benefits.

Drug costs continue to constitute 40 to 60 percent of employers' retiree health care costs, and steep price increases are prompting employers to eliminate drug benefits, cap their contributions, or drop retiree coverage altogether. The spiraling costs relating to prescription drugs continue to threaten the continued provision of those benefits.

Due to budget constraints, the Senate and House bills use the definition of out-of-pocket costs that would not